

REMARKS/ARGUMENTS

Claims 17, 21-25, 28-32, 46-49 and 51-64 were examined. Applicants gratefully acknowledge the indicated allowability of claims 17, 21-26, 28-30, 32, 46-49, 51, 59, and 60. The claims have been amended as noted above. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

As an initial matter, Applicants note that several of the allowed claims have been amended. These amendments are made to improve the format, and in particular to remove inconsistent capitalization of words within the claims.

The rejection of claim 31 for indefiniteness has been overcome by canceling claim 31.

The rejection of claims 52, 54-56, 61, 62, and 64, have all been overcome by amending these claims (and several additional claims as well), to clarify the purity level of the CO₂ being set forth in that particular claim. The inconsistent use of the phrase "essentially pure CO₂" has been corrected.

Applicants, however, respectfully traverse the indefiniteness rejection of claim 53, as claim 53 did not and does not include the particular phrase cited by the Examiner's lacking support.

Claims 57 and 58 have been similarly amended to clarify what is meant by CO₂ purity, and further to correct the dependencies thereof, i.e., to depend from claim 56.

With these amendments and remarks, Applicants believe that all rejections for indefiniteness have been overcome.

Turning now to the rejections of claims 61-63 as being anticipated by the '830 patent to LaVerne, such rejections have been overcome by amending claims 61 and 62 to clarify that the patient "substantially refrains from inhalation of the CO₂" while the mucous membrane is being exposed to the CO₂ environment.

The rejection of claims 56 and 57 as being obvious over the combination of LaVerne '830 and Hammesfahr '032 is respectfully traversed. While LaVerne does disclose administering drugs while 70% CO₂ is being inhaled, and Hammesfahr does relate to the

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administration of nitroglycerin for the treatment of headaches, it is noted that claim 56 is specifically directed at treating patients suffering angina or myocardial infarction. While it is conceded that the use of nitroglycerin for treating angina is well-known, Applicants see no suggestion in either LaVerne or Hammesfahr for the combination asserted by the Examiner, i.e., the administration of nitroglycerin combination with exposing a mucous membrane to high CO₂ concentrations. Without such suggestion, Applicants believe that the rejection for obviousness must fail.

For the above reasons, Applicants respectfully submit that all pending claims are now in condition for allowance, and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (650) 326-2400.

Respectfully submitted,

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